



North Carolina Department of Environment and Natural Resources

Dexter Matthews, Director

Division of Waste Management

Beverly Eaves Perdue, Governor
Dee Freeman, Secretary

April 3, 2012

CERTIFIED MAIL 7008 0150 0000 7473 4868

RETURN RECEIPT REQUESTED

Ray Maxwell – Gaston Co. Public Works Director
P.O. Box 1578
Gaston, NC28053-1578

SUBJECT: Notice of Deficiency

Compliance Inspection Report of 3/24/12
Biggerstaff MSW Landfill - Closed
Permit 36-02
Gaston County

Dear Mr. Maxwell,

On March 28, 2012 Bill Wagner, representing the State of North Carolina, Division of Waste Management Solid Waste Section ("Section"), inspected the above referenced facility for compliance with North Carolina Solid Waste Statutes and Rules. No personnel representing Gaston County were present at the time of the inspection. During this inspection, the following items were noted and/or observed:

- A. 15A NCAC 13B .1626(4)(b)** which states in part "Owners or operators of all MSWLF units must implement a routine methane monitoring program."; and the rule goes on to state "The minimum frequency of monitoring shall be quarterly."

The above deficiency may have or can compromise the facility's ability to ensure protection of the public health and the environment and thus require remedial action on behalf of the facility in order to maintain compliance with **15A NCAC 13B . 1626(4)(b)**. In order to resolve these issues, Gaston County must take the following "Corrective Actions":

Within 60-days of your receipt of this report, please develop a landfill gas monitoring plan and submit it for approval to:

Brian Wooten – Hydrogeologist
Division of Waste Management – SWS
Mail Service Center 1646
Raleigh, NC 27699-1646

The suggested outline for a "Landfill Gas Monitoring Plan", is detailed in Section 8 of the "NCDENR Division of Waste Management, Solid Waste Section, Landfill Gas Monitoring Guidance, November 2010". This guidance can be downloaded from the Solid Waste Section's web page:

http://portal.ncdenr.org/c/document_library/get_file?uuid=da699f7e-8c13-4249-9012-16af8aefdc7b&groupId=38361

Within 30-days of Mr. Wooten's approval of the "Landfill Gas Monitoring Plan", Gaston County must begin monitoring for landfill gas in accordance with approved plan.

B. 15A NCAC 13B .0505(5)(b) states that "Surface water shall not be impounded over or in waste."

The above deficiencies may have or can compromise the facility's ability to ensure protection of the public health and the environment and thus require remedial action on behalf of the facility in order to achieve compliance with **15A NCAC 13B .0505(5)(b)**. Within 30-days receipt of this report Gaston County must complete the following:

Using best management practices, Gaston County must take whatever corrective actions are necessary to ensure that water cannot become impounded over waste at the closed Biggerstaff landfill. As soon the corrective actions have been successfully implemented please notify Bill Wagner at:

NCDENR – Asheville Regional Office
2090 US Hwy 70
Swannanoa, NC 28778
(828) 296-4705

Failure to comply with this schedule may subject the facility and/or all responsible parties to enforcement actions including a notice of violation, civil penalty, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules. Pursuant to N.C.G.S. 130A-22(a) and 15A NCAC 13B .0701-.0707, an administrative penalty of up to \$15,000.00 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or an Order issued under Article 9 of Chapter 130A of the N.C. General Statutes.

If you have any questions, please contact me at (828) 296-4705 or at bill.wagner@ncdenr.gov.

Sincerely,



Bill Wagner
Environmental Senior Specialist
Solid Waste Section

Enc: November 8, 2001 Letter from Mark Poindexter: *"Phase 1 Site Assessment Report for the Gaston County Auten Road, Biggerstaff and Cramerton Closed Sanitary Landfills (Permit #36-3, 36-02, and 36-01)"*

Buxton Environmental's Figure 2 - *"Site Layout Map of the Biggerstaff Landfill"*

"NCDENR Division of Waste Management, Solid Waste Section, Landfill Gas Monitoring Guidance, November 2010"

ec: Mark Poindexter, Field Operations Branch Supervisor – Solid Waste Section
Jason Watkins, Western District Supervisor – Solid Waste Section
Shawn McKee, Compliance Officer – Solid Waste Section